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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,141	07/30/2003	John J. Giobbi	47079-0107D2	9474

30223 7590 03/15/2007  
JENKENS & GILCHRIST, P.C.  
225 WEST WASHINGTON  
SUITE 2600  
CHICAGO, IL 60606

EXAMINER
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YOO, JASSON H

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/630,141

Applicant(s)

GIOBBI, JOHN J.

Examiner

Jasson H. Yoo

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3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 75 and 78-85 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 75, 78-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 75, 78-85 are rejected under 35 U.S.C. 102(e) as being anticipated by Hedrick et al. (US 6,908,387).

Hedrick discloses the following:

75. A method of operating a gaming machine, comprising:

detecting, via the gaming machine, the presence of a passerby proximate to the gaming machine, the passerby not playing the gaming machine (cols. 10:46-56, 17:44-18:2), the detecting including establishing a wireless transmission link between a first wireless transceiver in the gaming machine (gaming machine wireless interface 264 in 5) and a second wireless transceiver disposed in a portable data unit carried by the passerby (player wireless interface 602, or host wireless interface 604 in Fig. 5, cols. 5:63-6:6, 10:46-11:25, 19:25-34), the portable data unit including information for allowing an identity of the passerby to be determined (cols. 3:5-22, 4:35-42, 5:35-53);

in response to detecting the presence of the passerby, modifying operation of the gaming machine (provide a status of the card, cols. 5:35-52, 12:31-59); and

in response to detecting the presence of the passerby, receiving an input at the gaming machine from the passerby, the input being associated with a wagering game (cols. 17:44-18:19).

78. Receiving a wager from the passerby (the gaming machine receives information about the player's credit stored in the card, cols. 12:39-40, 17:44-18:19).

79. Modifying operation of the gaming machine includes inviting the passerby to play the gaming machine (col. 12:23-30).

80. Operating the gaming machine in an attract mode prior to the step of detecting the presence of a passerby (col. 11:63-67).

81. Determining the identity of the passerby (cols. 3:5-22, 4:35-42, 5:35-53).

82. Inviting the passerby, based on the identity of the passerby, to play the gaming machine (col. 12:23-30, 12:36-59).

83. A method of operating a gaming machine, comprising:

detecting, via the gaming machine, the presence of a passerby proximate to the gaming machine, the passerby not interacting with the gaming machine (cols. 10:46-56, 17:44-18:2); and

in response to the detecting, modifying the operation of the gaming machine based on information wirelessly communicated between a portable data unit carried by the passerby and the gaming machine, wherein the modifying includes inviting the

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passerby to interact with the gaming machine (provide a status of the card, cols. 5:35-52, 12:31-59),

wherein the modifying includes receiving at the gaming machine a signal indicative of a wager on a game playable by the passerby on the gaming machine (the gaming machine receives information about the player's credit stored in the card, cols. 12:39-40. 17:44-18:19).

84. Encrypting data communicated across the wireless communication link into ciphered data (col. 15:34-38).

85. Encrypting the wirelessly communicated information into ciphered information (col. 15:34-38).

### ***Response to Arguments***

Applicant's arguments with respect to claims 74, 78-85 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

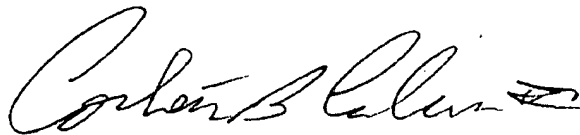
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olszewski Robert can be reached on (571)272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY

A handwritten signature in black ink, appearing to read "Corbett B. Coburn", followed by a stylized flourish or checkmark.

**CORBETT B. COBURN  
PRIMARY EXAMINER**